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Attorney Docket P1979R1  
PATENT

EV 351 925 065 US: Express Mail Number

*WMLee*

Wendy M. Lee

21 *WML*  
November 20, 2003: Date of Deposit

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

22581 U.S.PTO  
110/719310  
  
112103

**NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)**

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

**Paul G. Brunetta, San Francisco, California**  
**Mark X. Sliwkowski , San Carlos, California**

Title: **THERAPY OF NON-MALIGNANT DISEASES OR DISORDERS WITH ANTI-ERBB2 ANTIBODIES**

**1. Type of Application**

- This application is for an original, non-provisional application.
- This is a non-provisional application claiming priority to provisional application no. 60/428,027, filed November 21, 2002, the entire disclosure of which is hereby incorporated by reference.
- This is a    continuation-in-part    continuation    divisional application claiming priority to application Serial Number   , filed   , the entire disclosure of which is hereby incorporated by reference.

**2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b)  
(Non-provisional )**

56 pages of specification  
5 pages of claims  
1 page(s) of abstract  
12 sheet(s) of drawings  
[X] formal  informal

**3. Declaration or Oath**

*(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)*

- An executed declaration of the inventor(s) [] is enclosed [X] will follow.

*(for Cont./Div. where inventorship is the same or inventor(s) being deleted)*

- A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

*(for Cont./Div. where inventor(s) being deleted)*

- A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

**4. Assignment**

*(for new and CIP applications)*

- An Assignment of the invention to GENENTECH, INC. [] is enclosed with attached Recordation Form Cover Sheet [X] will follow.

*(for cont./div.)*

- The prior application is assigned of record to Genentech, Inc.

**5. Amendments *(for continuation and divisional applications)***

- Cancel in this application original claims \_\_\_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

- A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

**6. Fee Calculation (37 CFR 1.16)**

The fee has been calculated as follows:

CLAIMS FOR FEE CALCULATION					
Number Filed		Number Extra		Rate	Basic Fee 37 CFR 1.16(a)
					\$770.00
Total Claims	46	- 20 =	26	X \$18.00	\$468.00
Independent Claims	6	- 3 =	3	X \$86.00	\$258.00
Multiple dependent claim(s), if any				+ \$290.00	\$0.00
<b>Filing Fee Calculation</b>					<b>\$1,496.00</b>

**7. Method of Payment of Fees**

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$1,496.00. A duplicate copy of this transmittal is enclosed.

**8. Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. A duplicate copy of this transmittal is enclosed.

**9. Additional Papers Enclosed**

- Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449 and citations
- Submission of "Sequence Listing", computer readable copy, certificate re: sequence listing, and/or amendment pertaining thereto for biological invention containing nucleotide and/or amino acid sequence.
- A new Power of Attorney or authorization of agent.
- Other:

**10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)**

[This item must be completed and the necessary papers filed in the prior application if the period set in the prior application has run]

- \_\_\_\_\_ A petition, fee and/or response has been filed to extend the term in the pending prior application until
- \_\_\_\_\_ A copy of the petition for extension of time in the **prior** application is attached.

**11. Correspondence Address:**

X Address all future communications to:

Attn: Wendy M. Lee  
Customer No: 09157

Respectfully submitted,  
GENENTECH, INC.

Date: November <sup>21</sup>  
WM Lee  
20, 2003

By: WM Lee  
Wendy M. Lee  
Reg. No. 40,378  
Telephone No. (650) 225-1994

**CUSTOMER NO: 09157**